

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Action ID No. 200101099

June 4, 2004

PUBLIC NOTICE

THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT), C/O DR. GREGORY J. THORPE, PHD, MANAGER, PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH, 1548 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA, 27699-1548 HAS APPLIED FOR A DEPARTMENT OF THE ARMY (DA) PERMIT PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT TO DISCHARGE DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES, INCLUDING JURISDICTIONAL WETLANDS FOR THE WIDENING OF THE EXISTING GEORGE OWEN ROAD (SR 1133) TO A FOUR-LANE, MEDIAN DIVIDED, FACILITY FROM BINGHAM DRIVE (SR 1141) TO COLUMBINE ROAD (SR 3065) AND EXTENDING ON NEW LOCATION TO THE INTERSECTION OF LEGION ROAD (SR 1132) DIRECTLY ACROSS FROM ELK ROAD (SR 1363) IN HOPE MILLS, CUMBERLAND COUNTY, NORTH CAROLINA. STATE PROJECT 8.1442601, TIP NO. U-620, NCDOT DIVISION 6.

The following description of the work is taken from data provided by the applicant and from observations made during site visits by representatives of the Corps of Engineers.

**History:**

The social, economic, and environmental impacts associated with potential build alternatives for U-620 have been described in a North Carolina Department of Transportation (NCDOT)/Federal Highway Administration (FHWA) Environmental Assessment that was approved by FHWA on September 09, 1998. A Finding of No Significant Impact (FONSI) determination was prepared for this project and approved by FHWA on January 31, 2000. The purpose of the proposed project is to alleviate congestion, improve safety and capacity on George Owen Road (SR1133).

The NCDOT/FHWA EA and FONSI are available for review at the Wilmington Regulatory Field Office of the Wilmington District U.S. Army Corps of Engineers, 69 Darlington Avenue, Wilmington, North Carolina, or at the North Carolina Department of Transportation, Project Development and Environmental Analysis Branch, Transportation Building, 1 South Wilmington Street, Raleigh, North Carolina.

## Project Description:

The work now being considered for authorization is the discharge of dredged or fill material into 2.3 acres of jurisdictional wetlands and 1,215.2 linear feet of jurisdictional stream channel and the temporary impact of 0.36 acres of jurisdictional wetlands and 52 linear feet of jurisdictional stream associated with the construction of George Owen Road. The George Owen Road improvement project will involve the widening of the existing two-lane facility to a four-lane, median-divided highway from Bingham Drive (SR 1141) to Columbine Road (SR 3065) and the construction of a four-lane, median-divided highway on new alignment to the intersection of Legion Road (SR 1132), directly across from Elk Road (SR 1363). The proposed highway improvement project is approximately 3.75 miles in length with a 26 to 28-foot roadway on either side of a 18 foot raised median, with 10-foot shoulders (4-foot paved).

The project is located in the Cape Fear River Basin (Hydrologic Unit 03030004). Waters of the United States, including wetlands will be impacted by the proposed project. The streams that may be impacted by the proposed project are tributaries to Buckhead Creek, Little Rockfish Creek and Beaver Creek. There are 7 proposed stream crossings associated with the proposed project (see Table 1). Wetland types potentially impacted by the proposed project are 2.3 acres of palustrine forested wetlands as shown in Table 1.

**Table 1. Impacts to Aquatic Features from Proposed Project**

Feature	U-620 (Site No.)								Total
	1	2	3	4	5	6	7	7A	
Centerline Station	L-34+90	L-105+83	L-121+56	L-145+20	L-159+45	L-183+85	Y2-15+47	Y2-DET 12+42	
Streams (Feet)	201.6	279.8	334.0			259.5	77.8	62.5	1215.2
Streams (Acres)	0.04	0.08	0.02			0.03	0.01	0.01	0.19
Wetlands (acres)	0.77		0.82	0.14	0.12	0.39	0.03	0.05	2.32
Note: Areas and lengths are based on Preliminary Design									

Construction of the proposed project will permanently impact 2.3 acres of jurisdiction wetlands and 1215 linear feet or 0.2 acres of stream channel. The proposal will also temporarily impact 0.4 acres of wetlands and 0.01 acres of stream channel. The NCDOT is proposing to use the North Carolina Ecosystem Enhancement Program (EEP) to provide the necessary compensatory mitigation for the unavoidable wetland and stream impacts associated with this project.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorizations. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a Department of the Army permit be issued until the North Carolina Division of Water Quality has determined the applicability of a Water Quality Certification as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places (NRHP) for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein. No registered properties or properties listed as eligible were identified within the project corridor. The NCDOT has identified 13 potential archaeological sites within the proposed highway project area. Eleven of these sites were determined to be insignificant archaeological resources and the remainder fell outside of the area of potential affect. The State Historic Preservation Officer (SHPO) concurred with the study findings on May 29, 1998. Consultation of the National Register and review of the above referenced NEPA documents and supplied correspondence from NCDOT constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of any other resources.

NCDOT has conducted surveys along the proposed project corridors to identify suitable, or critical habitat for species listed as Federally endangered or threatened pursuant to the Endangered Species Act of 1973. Based on information provided by NCDOT, the Corps of Engineers has determined that the proposed permit action would have no effect on three of the listed species known to occur within Cumberland County (American alligator, *Alligator mississippiensis*; Red-cockaded woodpecker, *Picoides borealis*; American chaffseed, *Schwalbea americana*). However, potential habitat for Small Whorled Pogonia, *Isotria medeoloides*; Pondberry, *Lindera melissifolia*; Rough-leaved Loosestrife, *Lysimachia asperulaefolia*; and Michaux's Sumac, *Rhus michauxii* is present within the project area. Plant-by-plant surveys were conducted by NCDOT and no species were found within the project boundaries. The U.S. Fish and Wildlife Service, in a letter dated December 23, 1998, concurred that the highway project is not likely to adversely affect the four species listed above or any other federally-listed endangered and threatened species. The District Engineer, based on available information, is not aware that the proposed activity will affect any other species not listed above, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973. Due to the length of time since the last survey, NCDOT will resurvey the project area for endangered or threatened species prior to permit issuance.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among

those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

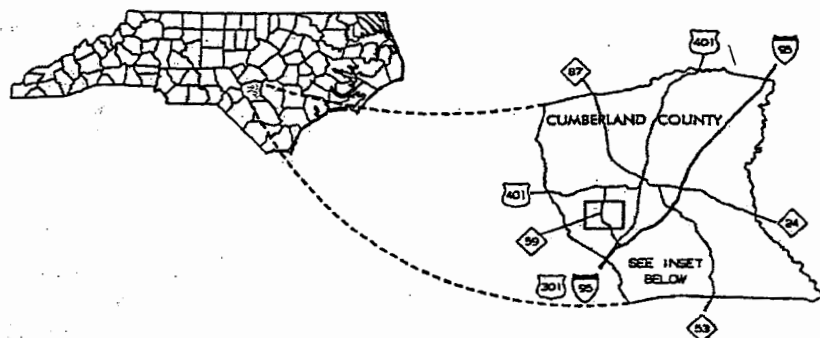
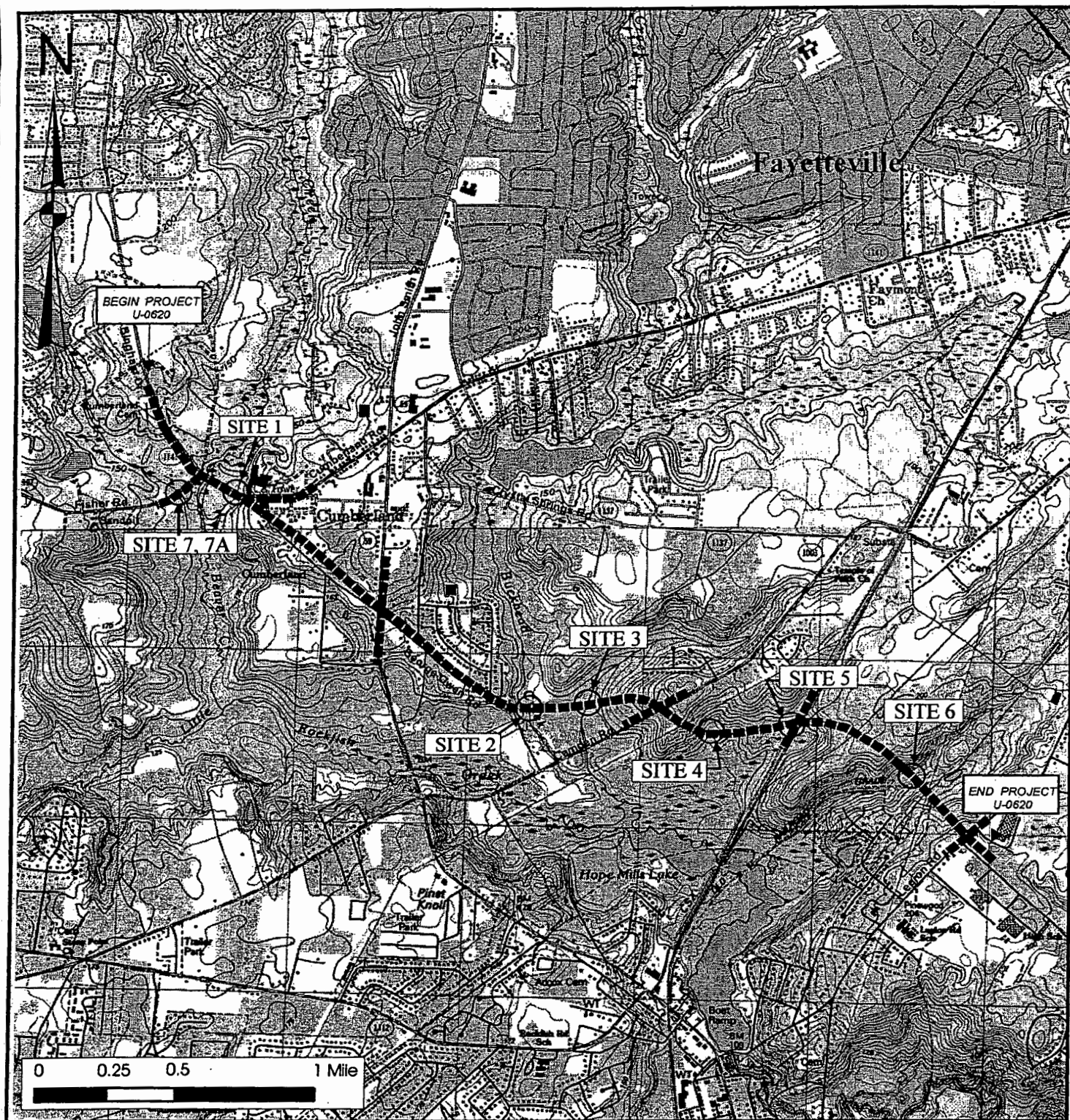
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, North Carolina Division of Environmental Management (NCDDEM), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality, (NCDWQ), 1650 Mail Service Road, Raleigh, North Carolina 27699-1650, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Richard K. Spencer, until 4:30 p.m., July 6, 2004.



N.C. DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)  
HOPE MILLS BYPASS  
FROM SR 1141 (BINGHAM DRIVE)  
TO SR 1363 (ELK ROAD)

SHEET 1 OF 27

03/08/02

# WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS				
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Natural Stream Design (ft)
1	-L- 34+90 / 39+57	1 @ 72" RCP	0.699			0.0739	0.0375			201.6	
2	-L- 105+89 / 106+95	2 @ 10' x 13' RCBC w/ 2 @ 72" RCP					0.0825			279.8	
3	-L- 121+56 / 125+73	1 @ 42" RCP 1 @ 24" RCP	0.6879		0.0133	0.1204	0.0197			164.8	
4	-L- 145+20 / 146+83		0.0713		0.0071	0.0634	0.0078			169.2	
5	-L- 159+45 / 160+15		0.0685			0.0401					
	-L- 160+45 / 161+91			0.2029							
	-L- 162+57 / 163+25					0.049					
6	-L- 183+85 / 185+08	1 @ 9' x 5' RCBC w/ 1 @ 36" RCP	0.3508			0.0368	0.0302			259.5	
7	-Y2- 15+47 / 16+00	1 @ 9' x 5' RCBC	0.0017		0.0046	0.0205	0.0084			77.77	
7A	-Y2DET- 12+42 / 12+61	1 @ 66" x 51" CMPA		0.1559	0.0087	0.0374			0.0051	62.5	
TOTALS:			1.8792	0.3588	0.0337	0.4415	0.1861	0	0.0051	1215.17	0

N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT 8.1442601 (U-0620)  
HOPE MILLS BYPASS  
FROM SR 1141 (BINGHAM DRIVE) TO SR 1363 (ELK ROAD)

Form Revised 1/21/03

SHEET ... OF

9/8/03

Revised 4/15/04